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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, through Kimberly M Frayn, Assistant United States Attorney, and Brian Pugh, Assistant Federal Public Defender, counsel for Deandra Michelle Smith, that Ms. Smith's pretrial release travel condition be modified to allow Ms. Smith to make one trip to Mexico as outlined below and for Pretrial Services to temporarily release to Ms. Smith possession of her passport:

This stipulation is entered into for the following reasons:

1. Ms. Smith requests to travel to Mexico from August 23, 2023, to August 29, 2023.

1 2. Ms. Smith will pick up her passport from Pretrial Services on August 22, 2023,
2 and return the passport to Pretrial Services on August 30, 2023.

3 3. Before travelling to Mexico, Ms. Smith will provide to Pretrial Services her
4 itinerary and address where she will be staying in Mexico.

5 4. Ms. Smith's Pretrial Services Officer reports that Ms. Smith is in compliance with
6 her conditions of release and Pretrial Services does not oppose this modification to her release
7 conditions.

8 5. The parties agree to this modification.

9 6. The Bail Reform Act ("The Act") requires the release of a person facing trial under
10 the least restrictive condition or combination of conditions that will reasonably assure the
11 appearance of the person as required and the safety of the community. *United States v. Salerno*,
12 481 U.S. 739, 755 (1987). In deciding whether to impose certain conditions for pretrial release,
13 the Court is obligated to consider the two dual goals of 18 U.S.C. § 3142. The two express goals
14 of 18. U.S.C. § 3142 are (1) to reasonably assure a defendant's presence in court and (2) to protect
15 the public. *Id.* To determine whether there are conditions that would reasonably protect the safety
16 of the community, the court should consider whether the defendant will likely make a good faith
17 effort at complying with the conditions and whether the conditions are easily circumvented or
18 manipulated. *United States. v. Hir*, 517 F.3d 1081, 1092 (9th Cir. 2008). To make this
19 determination, there must be an "individualized, fact-specific inquiry." *Id.*, at 1094.

20 7. In addition to the facts and circumstances that led to Ms. Smith's release on
21 conditions almost ten months ago, Ms. Smith has been in complete compliance with her

conditions of release since that time. *See* ECF No. 7, “Minutes of Proceedings - Initial Appearance as to Deandra Michelle Smith held on 10/3/2022 before Magistrate Judge Elayna J. Youchah.”

8. Ms. Smith has demonstrated to her Pretrial Services Officer and the Court that she is not a risk of flight and that she can be trusted to possess her passport, travel outside the country, return to the United States, and appear for all future court appearances.

9. Wherefore, the parties hereby stipulate and request that this Court order Pretrial Services to temporarily return to Ms. Smith her passport as outlined above, and that Ms. Smith be permitted to travel to Mexico during the dates stated above, but only after providing to her Pretrial Services Officer her itinerary and address where she will be staying in Mexico.

Respectfully submitted this 26th day of July 2023.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

By *s/ Brian Pugh*
BRIAN PUGH
Assistant Federal Public Defender

By /s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant U.S. Attorney

ORDER

IT IS SO ORDERED.

Elayna J. Youschah
ELAYNA J. YOUSCHAH
United States Magistrate Judge

DATED: July 27, 2023